EMPLOYEE FACTS

IMPORTANT WORKERS' COMPENSATION INFORMATION FOR FLORIDA'S WORKERS

Please visit our website at **www.fldfs.com/wc** where you will find extensive information such as publications, a number of databases, rules, and forms that will give you a better understanding of worker's compensation.

DISCLAIMER

This publication is being offered as an informational tool only, and complies with § 440.185 (4) F.S. with the understanding that this is not official language of the Florida Statutes. In no event will the Division of Workers' Compensation be liable for direct, or consequential damages resulting from the use of this printed material.



Risk Management Division, G.S.A.

ADITIONAL WAGE INFORMATION: (Does not apply to Municipalities)

By law, Workers' Compensation benefits are 66 2/3 percent of an employee's wages. These wages are calculated by obtaining the DWC-1A reflecting 13 weeks of the employee's earnings prior to the date of accident in order to determine the employee's average weekly wage. The remaining 33 1/3 percent is automatically paid from the employee's accumulated leave time in order to provide the employee full salary. If, however, the employee does not wish to have his/her leave time depleted or has questions pertaining to leave restoration or their payroll check, the employee must contact his/her department's personnel officer. Reminder, if the employee chooses to have his/her accumulated leave time make up the difference between his/her Workers' Compensation Benefits and his/her full salary-provided the injury is compensable, not a part-time employee, does not violate a safety rulethe employee will be entitled to short term disability leave subject to the prevailing labor contract. This program is provided by Miami-Dade County as a fringe benefit to the employee. An employee receives restoration of any accumulated leave time based on medical verification beginning on the first day of lost time and up to 240 consecutive lost days.

WHAT EMPLOYEES NEED TO KNOW ABOUT WORKERS' COMPENSATION IN FLORIDA

INTRODUCTION

This pamphlet gives you general information about the Florida Workers' Compensation Program. You will receive information about your rights, benefits and responsibilities. You will also learn how the Division of Workers' Compensation can help you through the process so you can return to work as quickly as possible.

If you have any questions about workers' compensation, please call the Division or Workers' Compensation Employee Assistance Office at this toll-free number: **1-800-342-1741**, or call any of the field offices listed at the end of this brochure **(TTD 1-800-955-8771—Voice 1-800-955-8770)**.

Please be advised that:

"Any person who knowingly and with intent to injure, defraud or deceive any employer, employee, insurance company or self-insured program or who files a statement of claim containing any false or misleading information commits a felony of the third degree."

BASIC FACTS ABOUT WORKERS' COMPENSATION

- Workers' Compensation coverage is paid by your employer at no cost to you.
- It is your responsibility to report a work-related accident as soon as it happens.
- This coverage will pay for the most reasonable and necessary medical care if you get hurt or get sick because of an injury on your job.
- Your employer or its workers' compensation carrier will provide doctors who will treat you.

BASIC FACTS ABOUT WORKERS' COMPENSATION: (Cont'd)

 Workers' compensation coverage will also replace part of your lost wages if your doctor says you must be out of work for a certain length of time because of a work-related injury or illness.

The intent of the law is to ensure that you return to work as soon as the doctor says you are able. If your workplace has more than 50 employees, your employer should make a good faith effort to return you to work within your restrictions after your reach maximum medical improvement (MMI). If your employer does not make a good faith effort to do this, it may have to pay a fine. Your employers' workers' compensation insurance carrier's name and telephone number should be posted at your worksite. If not, ask your supervisor for your employer's carrier or call the Employee Assistance Office (EAO) of the Division of Workers' Compensation (1-800-342-1741) or the closest EAO field office listed in the back of this booklet.

You should know that if you are caught reporting a work-related injury when you know you were not injured at work, you could be convicted of a felony of the third degree.

HOW TO GET MEDICAL CARE AND BENEFITS

Follow these simple rules:

- Report your job-related injury or illness to your supervisor as soon as possible.
- Go to the doctor you have chosen from the list of authorized care centers.

For you to begin getting benefits, your employer must report the injury to its workers' compensation insurance carrier either by telephone or by completing a First Report of Injury or Illness. You should complete all forms when asked. Your employer or the workers' compensation insurance carrier must provide you with a copy of your First Report of Injury or Illness. To keep receiving benefits during the time you are unable to work (or working at a reduced salary), you must complete forms when asked. If you have any questions about those forms that are not answered by your employer or carrier, please call the Employee Assistance Office (EAO) at the Division of Workers' Compensation for assistance at 1-800-342-1741 or call any of the EAO field offices listed at the end of this booklet.

Be sure you do everything possible to cooperate with your employer and its workers' compensation insurance carrier. If you do not, your benefits may stop or be delayed.

- Complete all Workers' compensation forms in a timely manner.
- Keep all appointments.

INJURED WORKERS RESPONSIBILITIES: (Cont'd)

Keep in communication with the claims adjuster.

Complete and return forms to the insurance carrier when asked.

Keep your appointments with your authorized doctor.

Follow your doctor's treatment plan.

Be sure you:

- Report any earnings to the workers' compensation insurance carrier (including social security and unemployment compensation benefits) that you get after your injury.
- Get approval from the insurance carrier before receiving treatment. If you are not satisfied with your initial choice from the authorized care center list, ask you workers' compensation insurance carrier to approve another doctor.
- Return to work as soon as the doctor says you can.
- Keep all records in a safe place for future reference.

Be aware that your right to receive benefits and medical care may end if there has been no payment for lost wages made or necessary medical care provided for a one year period.

If you are injured as a result of a work-related accident, your employer's workers; compensation coverage provides medical and partial wage replacement benefits that you may be entitled to.

MEDICAL BENEFITS

As soon as your carrier knows about your work-related injury, the carrier will:

- Determine the compensability of your injury
- · Provide an authorized doctor
- · Pay for all authorized medically necessary care and treatment related to your injury

Authorized treatment and care may include:

- · Doctor's visits
- Physical therapy
- Prescription drugs
- Hospitalization
- Medical tests
- Prostheses
- Travel expenses to and from your authorized doctor.

Once you reach maximum medical improvement (MMI), you are required to pay a \$10 co-payment per visit for medical treatment. MMI occurs when the physician treating you determines that your injury has healed to the extent that further improvement is not likely.

WAGE REPLACEMENT BENEFITS

Your workers' compensation benefits for lost wages will start on the eighth day that your are unable to work. Your will not receive wage replacement benefits for the first 7 days of work missed, unless you are out of work for more than 21 days due to your work-related injury. *In most cases, the wage replacement benefits will equal two-thirds of your pre-injury regular weekly wage, but the benefit will not be higher than Florida's average weekly wage. If you qualify for wage replacement benefits, you can generally expect to receive your first benefit.*

WAGE REPLACEMENT BENEFITS: (Cont'd)

<u>check within 21 days after the carrier becomes aware of the injury, and bi-weekly thereafter.</u> You will be eligible for different types of wage replacement benefits, depending on the progress of the claim and the severity of the injury.

• Temporary Total Benefits:

These benefits are provided as a result of an injury that temporarily prevents you from returning to work, and you have not reached MMI.

• Temporary Partial Benefits:

These benefits are provided when the doctor releases you to return to work and you have not reached MMI and earn less than 80% or your pre-injury wage. The benefit is equal to 80% of the difference between 80% of your pre-injury wage and your post-injury wage.

• The maximum length of time you can receive temporary benefits is 104 weeks or until the date of MMI is determined, whichever is earlier.

• Permanent Impairment Benefits:

These benefits are provided when the injury causes any physical, psychological or functional loss and the impairment exists after the date of MMI. A doctor will assign a permanent impairment rating, expressed as a percentage, to the injury.

• If you return to work at or above your pre-injury wage, the permanent impairment benefit is reduced by 50%.

Permanent Total Benefits:

These benefits are provided when the injury causes you to be • permanently and totally disabled according to the conditions stated in the law.

Death Benefits:

The maximum benefit is \$150,000 for any death resulting from a work place accident.

• The rate, amount, and the duration of compensation for all wage replacement benefits are detailed in the workers' compensation law. If you have any questions about your benefits call your claims adjuster or the Employee Assistance Office (EAO) at 1-800-342-1741.

ANTI-FRAUD REWARD PROGRAM

Workers' compensation fraud occurs when any person knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance carrier, or self-insured program files false or misleading information. Workers' compensation fraud is a third degree felony that can result in fines, civil liability, and jail time. Rewards of up \$25,000 may be paid to individuals who provide information that lead to the arrest and conviction of persons committing insurance fraud. *To report suspected workers' compensation fraud, call 1-800-378-0445.*

TYPES OF BENEFIT PAYMENTS

This table summarizes the types of payments you may receive if you are injured on or by October 1, 2003. If you have been injured before that date, call your employer's workers' compensation carrier or the Employee Assistance Office of the Division of Workers' Compensation at 1-800-342-1741 (or any EAO field office listed at the end of this booklet) to learn more about the benefits you may receive.

TYPE OF BENEFIT	TEMPORARY TOTAL DISABILITY (TTD)	TEMPORARY TOTAL DISABILITY AT 80%	TEMPORARY PARTIAL DISABILITY (TPD)	IMPAIRMENT INCOME	REHABILITATION TTD (TRAINING & EDUCATION)	PERMANENT TOTAL DISABILITY (PTD)	DEATH BENEFITS
WHEN YOU BECOME ELIGIBLE	After 7 days of disability	After 7 days of disability	After 7 days of disability	After your doctor assigns an impairment rating	After you have been approved by the Division to participate in a training and education program	After your doctor says you have an injury as defined below	After the death of a person eligible for workers' compensation and you can show dependency as defined by law.
CONDITION FOR ELIGIBILITY	Doctor says you cannot work at all	Doctor says you cannot work at all Loss of arm, leg, hand or foot Paraplegic, paraparetic, quadriparetic Blindness	Doctor says you are able to return to modified duty You are earning less than 80% of your previous wages	Your doctor say you have reached MMI and assigns an impairment rating or your temporary disability benefits end and you have been assigned an impairment rating	You or your carrier request Division screening The Division has determined that you qualify for reemployment services	You are unable to work and have one of the following conditions: • Spinal cord injury causing paralysis • Loss of arm, leg, hand or foot • Severe brain or head injury • Second or third degree burns over 25% of your body or third degree burns to 5% of face and hands • Blindness • A condition that would qualify you for Social Security Disability Benefits	If death is a result of the workplace accident and • death is within one year of accident or • death is within five years of accident if injured person was on continuous disability
AMOUNT OF PAYMENT	2/3 of average weekly wage (AWW) up to a maximum	80% of AWW up to a maximum of \$700	Calculated by formula	Calculated by formula	2/3 of your AWW up to a maximum	2/3 of your AWW up to a maximum	If a relative can show dependency he/she may be eligible for: • Benefits calculated by formula • Funeral expenses up to \$7,500 • Other available benefits
HOW LONG YOU CAN RECEIVE PAYMENT	104 weeks or until your doctor releases you to modified duty work or says you have reached maximum medical improvement (MMI)	Up to 6 months from the date of accident	104 weeks or until your doctor says you have reached MMI	For each percentage point of your permanent impairment rating you will received 3 weeks of benefits	26 weeks with an extension of 26 weeks if approved	Until you are reemployed	Until a total of \$150,000 has been paid; there are certain exceptions
	TTD AND TPD COMBINED CANNOT EXCEED 104 WEEKS						

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EMPLOYEE ASSISTANCE OFFICE

If you have any questions or concerns about your workers' compensation benefits, first call your claims adjuster. The Division of Workers' Compensation, Employee Assistance Office (EAO) helps prevent and resolve disputes between injured workers and employers/carriers. If the insurance carrier does not provide the benefits to which you believe you are entitled, you can call the EAO toll-free hotline at 1-800-342-1741. EAO specialists are knowledgeable about the workers' compensation system and may be able to address your concerns. The EAO has offices located throughout the state that you can call or visit. You can access the EAO statewide map at http://www.fldfs.com/WC/dist_offices.html. In addition, the Division of Workers' Compensation has a website section on "Frequently Asked Questions for Injured Employees," which can be accessed at http://www.fldfs.com/WC/faq/faq/wrkrs.html.

STATUTE OF LIMITATIONS

Once you are injured at work or become aware of a workers' compensation injury, you have 30 days in which to report your injury to your employer. Generally, you have two years from the date of your injury to file a claim. Failure to report your injury within 30 days may be used as a defense against your claim regardless of the two-year statute of limitations for filing a claim. Your eligibility for benefits may also be eliminated one year from the date you last received a wage replacement check or an approved medical care/treatment.

PETITION FOR BENEFITS

To begin the judicial procedure for obtaining benefits that are due and owing under the law and have not been provided by the employer or insurance carrier, a Petition for Benefits form must be filed with the Office of Judges of Compensation Claims. The form can be accessed at http://www.jcc.state.fl.us/jcc/forms.cfm.

INJURED WORKERS RESPONSIBILITIES

- Contact your supervisor/employer immediately to notify them on your on-the-job injury.
- Provide the insurance carrier with your personal signature verifying that you have reviewed and understand the mandatory fraud statement. Your benefits shall be suspended if you refuse to provide your signature.
- Report any wages (from all employment) earned to the insurance carrier.
- Keep in communication with the claims adjuster.
- Complete and return forms to the insurance carrier when asked.
- Keep your appointments with your authorized doctor.
- Follow your doctor's treatment plan.
- Notify the insurance carrier of any changes to your address.

LEGAL REPRESENTATION

You are not required to have an attorney. If you do hire an attorney to represent you with your workers' compensation claim, the fees and costs may come out of your benefits, unless your employer or workers' compensation carrier is held responsible for paying your attorney fees.

LEGAL REPRESENTATION: (Cont'd)

Although the Division does not provide legal advice, the Division will answer questions about your rights and responsibilities and may be able to resolve problems you may have with your workers' compensation claim. This help is free and available by contacting the Employee Assistance Office at **1-800-342-1741**.

RETURN TO WORK

If you are unable to perform the skills required for your former job as a result of your work related injury, you can contact the Department of Education, division of Vocational Rehabilitation at **850-245-3470** for free re-employment services.

INSURER RESPONSIBILITIES

- Timely provision of medical treatment
- Timely payment of wage replacement benefits
- Timely payment of medical bills
- Timely reporting of your claim information to the Division of Worker's Compensation

Employee Assistance Offices Toll Free 1-800-342-1741

CITY	PHONE NUNBER			
Daytona Beach	(386) 323-0907			
Ft. Myers	(239) 278-7091			
Jacksonville	(904) 798-5807			
Miami	(305) 536-0307			
Ocala	(352) 401-5339			
Orlando	(407) 245-0758			
Pensacola	(850) 595-5508			
Plantation	(954) 321-2907			
Tallahassee	(850) 488-5201			
West Palm Beach	(561) 837-5293			

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